

REMARKS

Claims 1-12 are pending. By this Amendment, claims 1-12 are amended to provide proper formatting. Applicant considers that no new matter will be incorporated into the present application by entry of this Amendment. If the Office deems any additional fees to be necessary for filing or entering this Amendment, then the Office is authorized and requested to charge such fees to Deposit Account No. 061910.

In the Office Action mailed October 3, 2007, the Examiner rejected claims 1-12 under 35 U.S.C. (a) as being anticipated by WO 02/102592 to Rasmussen ("WO '592"). Applicant respectfully requests reconsideration in light of the following arguments.

WO '592 does not qualify as prior art. 35 U.S.C. §102(a), in relevant part, provides that no patent will issue if there is a printed publication in a non-U.S. country before the invention date for the application. The present application was filed in the U.S. on December 2, 2005, but claims priority to a Swedish patent application filed on November 12, 2002. Thus, the present application has an invention date of November 12, 2002. On the other hand, WO '592 has an international publication date of December 27, 2002, which is after the present application's invention date. In addition, Applicant does not believe WO '592 qualifies as prior art under any other subsection of §102. Applicant respectfully requests that WO '592 be removed from consideration as prior art and that the Examiner's §102(a) rejections be withdrawn.

The Examiner also rejected claims 1-12 under 35 U.S.C. §103(a) as being unpatentable over WO 01/08878 to Jonsson ("Jonsson") in view of U.S. Patent No. 5, 626,944 to Rasmussen ("Rasmussen"). Applicant respectfully requests reconsideration in light of the following arguments.

Claim 1 calls for a corrugated product comprising at least one first plane sheet and at least one second sheet arranged in a wave shape, wherein the first sheet is joined with the second sheet in joining areas forming a framework shape having the joining areas arranged at tops of the second sheet, characterized in that at least the second sheet is arranged with a thinner portion in connection with the joining areas and that the joining areas between the first sheet and the second sheet substantially included the entire portion of the second sheet.

The claimed invention provides a corrugated product having several advantages, such as reducing the consumption of material while maintaining the overall strength and resistance of the product. These advantages are obtained by making the joining areas of the second sheet thinner than the non-joining areas, as shown in Figures 4 and 5, illustrated below. If the joining areas of the second sheet were not made thinner, then the joining areas of the corrugated product (including the first sheet and the second sheet) would be thicker than other areas of the product. These thicker joining areas would result in stronger areas than the other areas of the product. By making the joining areas of the second sheet thinner, the consumption of material is reduced and the overall strength of the product is maintained.

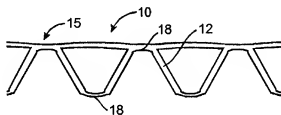


Fig. 4

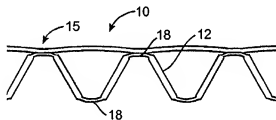


Fig. 5

The Examiner bears the initial burden in establishing a prima facie case of obviousness when rejecting claims under 35 U.S.C. §103. In re Piasecki, 745 F.2d 1468, 223 USPQ 758 (Fed. Cir. 1985); In re Reuter, 651 F.2d 751, 210 USPQ 249 (CCPA 1981). If the Examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of non-obviousness.

To properly establish a prima facie case of obviousness, MPEP § 706.02(j) identifies three basic criteria that must be met. First, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. Second, there must be some suggestion or motivation in the references themselves or in the knowledge generally available to one of

ordinary skill in the art to modify the reference or combine reference teachings. Finally, there must be a reasonable expectation of success. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The Examiner has failed to establish a prima facie case of obviousness because the cited references fail to teach or suggest all of the claim limitations. Prior art references used in an obviousness rejection must teach or suggest all of the claim limitations. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

A prima facie case of obviousness does not exist for the claims. Jonsson and Rasmussen fail to disclose, alone or in combination, the claimed second sheet having top thinner portions in connection with the joining areas.

The Examiner stated that Jonsson teaches a corrugated product comprising at least one first plane sheet and at least one second sheet arranged in wave shape, wherein the first sheet is joined with the second sheet in joining areas, but that Johnson fails to disclose the claimed second sheet having thinner portions in connection with the joining areas. Applicant agrees the Jonsson fails to disclose a second sheet having thinner portions in connection with the joining areas.

Rasmussen also fails to disclose a second sheet having top thinner portions in connection with joining areas of a first sheet. Instead, with reference to Rasmussen's Figure 1, illustrated below, Rasmussen discloses a wave shaped sheet having thicker portions at the ribs or tops. The areas of the sheet in between the ribs have a lower thickness.

Fig.1.



The thicker portions result in an improved self-supporting capability and have stiffness when a cross laminate is bent around a transverse line. The lower thicknesses between the ribs facilitates bending around a longitudinal line. *See, e.g., Col. 3, line 50 to Col. 4, line 2.* The thicker portions are designed to give the cross-laminate more bulk and a resilient character when it comes under vertical pressure. *See, e.g., Col. 5, lines 19-30.* Hence, the thicker portions at the ribs give high stiffness and the portions with lower thickness between the tops give lower stiffness. *See, e.g., Col. 5, lines 67 to Col. 6, line 1.* Thus, Rasmussen's wave-shaped sheet has the opposite

arrangement of the claims, wherein the joining areas are arranged at the tops of the second sheet and have a thinner portion.

Furthermore, the embodiment referred to by the Examiner in Col. 6, lines 19-32 also fails to disclose the claimed arrangement. In this embodiment, the thicker tops have been eliminated in a certain areas to obtain "flex-lines" so that the cross-laminate can be bent not only over a longitudinal line, but also over a transverse line. *See, e.g., Col. 6, lines 2-18.* However, when the thicker portions are eliminated, there is only a sheet having a regular thickness left. That is, the sheet simply has no thicker portions or thinner portions, which is not the claimed arrangement.

The Examiner also failed to establish a prima facie case of obviousness because the Examiner has not shown there to be any suggestion or motivation in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or combine reference teachings. The combination of Jonsson with Rasmussen would not guide a person skilled in the art towards the invention and there is nothing in this combination of documents that would solve the problem of material consumption by providing the joining areas with the thinner portions. In fact, Rasmussen actually teaches away from the invention. A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the Applicant. *In re Gurley*, 27 F.3d 551, 31 U.S.P.Q.2d 1130 (Fed. Cir. 1994). First, Rasmussen does not teach combining its wavy sheet with any other structure. Even if Rasmussen's sheet were combined at the top with a second sheet, a corrugated product would be obtained having thicker portions at the tops to obtain higher self-supporting capability and higher stiffness when a cross laminate of the product is bent around a traverse line. Thus, Applicant respectfully requests the Examiner to withdraw the 103(a) rejections of independent claim 1, and claims 2-12 depending thereon.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

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